

# Enhancing Capacity Building for Public Service Ethics Management in South Africa

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## ABSTRACT

This article focuses on enhancing capacity building for public service ethics management in South Africa. It attributes poor management of ethics in the South African government to a lack of capacity. The government seems to have no capacity to translate the many anti-corruption strategies into well-functioning deterrents of unethical conduct. It is a purpose of this article, therefore, to determine possible approaches to address this lack of capacity building in terms of the primary guiding research question: How can the South African public service build capacity in the area of ethics management? The article considers *inter alia* what capabilities exist, both legislative and functional, to address unethical conduct in the South African public service.

The article adopted a qualitative observational approach by comparing, contrasting, critically analysing and synthesising relevant documentary and literature sources in terms of a desktop study methodology. Recommendations are presented on approaches that can be employed to strengthen the government's capacity to manage ethics in terms of visible consequence management. While the article presented the reality of ethics management in the public service as a lethargic experience, certain positives have also been highlighted. This includes the state's continuous attempts to recognise and address the burden of public service corruption. While recognising the problem is a step in the right direction, policy-prescribed initiatives aimed at curbing unethical conduct must be implemented in order to succeed.

## INTRODUCTION

South Africa's latest developmental policy, the National Development Plan (NDP), presents a strong case for building a capable state. The policy acknowledges that the main obstacle to development has been the unevenness in the state's capacity to govern across the three spheres of government. Some of the reasons for the lack of government capacity included political-administrative challenges, skills deficits and the erosion of accountability (NPC 2012). In addition, growing trends in public service corruption continue to undermine and disturb the effective operation of government. It appears that government still has a limited capacity to fight corruption and to enforce accountability among public officials. This is reflected by various factors, such as the annual loss of public funds, citizens' loss of trust and ever-decreasing service delivery efforts. Various scholars, politicians and business people, as well as civil society, view poor ethics management in the public service as the leading reason why corruption continues to disrupt the country's efforts to ensure public service efficiency.

The Department of Public Service and Administration (DPSA) is regarded as the human resource branch of the South African government and its strategic vision is to be a "professional, productive and responsive public service and administration" (DPSA 2019). One of the ways in which the DPSA intends to realise this vision is by promoting an ethical public service through programmes, systems, frameworks and structures that detect, prevent and combat corruption (DPSA 2019). In addition to this, Chapter 13 of the NDP (NPC 2012) deals with building a capable and developmental state. To this end, it outlines certain aspirations, such as strengthening accountability and oversight mechanisms by 2030. Chapter 14 of the NDP addresses the fight against corruption. It sets out the following methods that the government aspires to use in that regard: Strengthening the multi-agency corruption system; strengthening the protection of whistle-blowers; ensuring greater central oversight over the awarding of tenders; and creating a transparent and accountable public service (National Planning Commission (NPC) 2012). The NDP is used in this article as a starting point because it reflects South Africa's ethics challenge quite accurately. It encapsulates concerns from both scholars and government on the latter's uneven capacity to govern.

It is evident that the government is aware of the burden of unethical conduct. As such, it has ratified various legislative measures linked to promoting ethical conduct and fighting corruption, such as the Public Service Act, 1994, the Prevention and Combating of Corrupt Activities Act, 2004 and the Protected Disclosures Act, 2000. However, the annual rise in corruption has not been curtailed. In this regard, the NDP acknowledges the rising concern over public servants' behaviour. Manyaka and Sebola (2013:76) argue that there still seems to be rampant corruption despite the number of sound legislative measures to govern and guide

ethical conduct in the public service. Section 195 (Chapter 10) of the *Constitution of the Republic of South Africa*, 1996 is regarded as the overarching prescript for public servants and outlines the principles for public administration, which can be interpreted as follows: All public officials and office bearers ought to behave in a responsible, accountable, ethical and professional manner (*Constitution of the Republic of South Africa*, 1996). For this to happen, a few considerations are necessary, including, among others, individual morals, education and training, public service culture and a legislative framework. This article attempts to shed light on these considerations by addressing the question on how the government can find ways to build capacity by managing ethics. To address this question, this article presents four secondary questions on government's current capabilities; the role of society; capacity building in ethics and morality; and how the NDP and unethical practices coexist. The article makes use of the qualitative conceptual literature analysis to provide a scholarly description of the topic.

## **ISSUES AND TRENDS ON PUBLIC SERVICE ETHICS**

The above section indicates that South Africa has an array of well-formulated legislative measures that are founded on the principles of the *Constitution of the Republic of South Africa*, 1996. As outlined by the NDP (NPC 2012), these legislative measures should guide and govern ethical practices in the public service. Despite the existence of sound legislation, there seems to be a deep-rooted problem of increasing unethical behaviour among civil servants. This article ascribes this problem to a lack of capacity to manage ethics – particularly pertaining to inadequate methods of ethics training and management in the public service. Various interventions relating to ethics and anti-corruption have been introduced in the public service since the start of the new democratic dispensation. However, these interventions still seem to be inadequate. There seems to be a lack of efficiency in ethics training and management. Because of this seeming inefficiency, there is a need to amplify the drive towards building state capacity in the management of public service ethics. The multiplicity of legislative measures and other government interventions fosters a strict compliance-based approach to ethics management, while simultaneously failing to deal with unethical conduct.

In a later section, this article presents a discussion of various commissions of inquiry addressing allegations of corruption in the public service. Some of these commissions have been ongoing for a few years, without any tangible outcome or prosecutions. A quick glance at the past two decades of the South African public interface reveals a plethora of corruption cases that have received little to no punitive response by authorities. Kane-Berman (2018) states that, over the last decade, corruption has been the key issue that has dragged South Africa towards

the tipping point of being a failed state. High-profile public figures have been implicated in various corruption scandals, many of which remain unresolved to date. In the past decade alone, the country has borne witness to the elongated corruption battle of former President Jacob Zuma regarding renovations to his residence in Nkandla; former Police Commissioner Bheki Cele's removal from office after he was implicated in a corruption scandal relating to the leasing of a building for R500m; and more recently, the ongoing revelations of various public officials' role in the country's 'state capture'. While there are many examples, Budhram and Geldenhuys (2018) report these incidents seldom reach the desks of the authorities that are empowered to enforce prosecutions, such as the National Prosecuting Authority (NPA). A visible trend has been the lack of consequence management on the part of top political office-bearers who continue to be rewarded for their camaraderie by being placed in executive positions. Such practices undermine the rule of law and disturbs the strides made towards formulating strong ethics-related legislation. The argument here is that, if a piece of legislation is clear on what should be done to prevent or combat corruption, it should be equally clear on the punitive repercussions. Undoubtedly, legislative measures supported by law enforcement institutions should be supported by concrete evidence of corruption deterrence.

This article holds the view that, should the current surge of corruption and unethical practices persist, the country could reach a point of 'legislative uselessness'. The possibility of looming legislative uselessness warrants five considerations. First, it should be recognised that existing legislation on ethics and anti-corruption is not optimally effective in the public service, which leads to an annual increase in corruption. Second, all role players must realise that, should this situation continue, government will find it increasingly difficult to deliver on its service delivery mandate and implement its developmental agenda. In the third instance, the constitutional mandate to "maintain and uphold a high standard of professional ethics" has been compromised. In the fourth instance, it will be difficult to professionalise the public service, as outlined in the NDP. Lastly, in view of the above, there should be a period during which the possibility of legislative remodelling and integrating value-based ethics realities is reflected on. This could pave the way towards developing a remedial programme for public service ethics frameworks.

## **CONCEPTUALISING ETHICS MANAGEMENT AND CAPACITY BUILDING FOR THE PUBLIC SERVICE**

Public servants' main duty is to ensure the continued welfare of citizens by implementing various programmes to ensure efficient public service delivery. According

to Dorasamy (2010:60), this requires ethical practices and purpose-directed leadership. While most developing nations pursue the notion of good governance, it is impossible without a combination of accountability, democracy and ethics (Koenane and Mangena 2017:61). In addition to accountability and ethics, Kuye and Mafunisa (2003) state that responsibility plays a key role in effective public service leadership. The common understanding among these five scholars is that *ethics* plays a crucial role in a well-functioning public service.

The personal value system of an individual plays an important role in ensuring an effective public service (Clapper 1999:138). The author further points out that any government department can be fairly managed and led if the people serving in it have good personal ethics. Dorasamy (2010:62) states that a clear sense of personal values and ethics can enable congruency with public service ethics. These two views indicate that the presence of a personal ethics value system will help streamline the professional ethics required for the public service. Conversely, Olum (2014:603) argues that a lack of professional ethics can impede any government's service delivery. Bendix (2015:20) argues that a system of ethics is needed in organisations. Within the public service, this system of ethics could facilitate navigation between personal and professional ethics within the employment relationship.

In defining ethical values that are necessary for the public service, Naidoo (2015:295) highlights responsibility, respect, integrity and competence as pillars of a strong system of ethics. Studies on public service ethics in South Africa are necessary, as there is a moral and ethical crisis in the South African public service (Edwards 2008:77). One of the remedial actions that can be taken to address this crisis is to develop an ethics framework (Naidoo 2015:294). Such a framework would need to integrate key elements such as respect, the importance of codes of ethics, ethical governance and the nexus between personal and professional ethics. Moreover, certain virtues should form the basis of public service ethics, namely, responsibility, efficiency, transparency, fairness and the absence of conflicts of interest (Kinchin 2007:112). These virtues are linked to the earlier discussion of personal ethics and professional ethics. In this regard, it became clear that personal and public service ethics need to be integrated. Public servants and politicians are mandated with making daily decisions to facilitate service delivery to society. Undeniably, such decisions ought to be based on ethics (Theletsane 2014). Simply put, public servants have an important role to play in building an ethical culture in society (Rossouw 2014).

## **Ethics management in the public service**

In the context of this article, 'ethics management' is understood as the formal and informal strategies adopted by public service institutions to promote and enhance



the ethical climate of government. Such strategies include employee training, including ethics in reward structure, adopting formal institutional rules and using role models or ethics champions as an informal approach (Menzel 2012). The South African directive for ethics management in the public service can be traced to key legislative and policy prescribed guidelines, such as the *Constitution of the Republic of South Africa*, 1996, which provides for certain values such as ensuring that public administration practitioners maintain a high standard of professional ethics; the Public Sector Integrity Management Framework, which provides a comprehensive management framework to regulate ethics and integrity across state institutions; and the *Batho Pele Principles*, which advocate for openness and transparency across the public service in rendering civil duties.

Based on the above legislative foundations, as well as additional ethics-related tenets in the public service, ethics management can also be regarded as the systematic and regulated approach to identifying and enforcing effective deterrents for unethical practices. Ethics management should be systematic and regulated, as there ought to be some evidence of punitive measures taken against those found to be in contravention of ethics-related regulations. Ethics management starts with attempts to detect potential loopholes for people to engage in corrupt activities. Hereafter, formal measures should be activated to mitigate such occurrences. Finally, combatting or deterring measures should be implemented, such as dismissals and jail terms for offenders. A system that is able to achieve all three actions – detecting, preventing and combatting unethical practices – provides solid ground for building capacity in ethics management.

## **Capacity building and the public service**

According to Vincent and Stephen (2015:1–2), ‘capacity’ refers to an individual or an organisation’s ability to conduct or complete a task effectively, continuously and with limited dependence on external resources. In their view, public service capacity building should especially focus on human resource development (HRD) and systems development. Grindle (1997) refers to capacity building, as using various human resource and organisational strategies that strengthen the behaviour, the skills, the knowledge and the abilities of both humans and organisations. Based on these views, the current article uses capacity building within the context of the South African public service as a single institution and whether the potential to build capacity has been identified and effectively utilised in respect of ethics management. According to Bourgon (2010:205), global efforts to build organisational capacity have been at the centre of various governmental reform programmes since the 1980s. One of the drivers, the author argues, was that civil servants needed to execute their duties in order to expand the ‘social contract’ between governments and citizens, and for governments to foster a dynamic

approach to the practice of public administration. The social contract, which describes the nature of relationships between authorities (the state) and citizens, is a philosophical concept developed during the Age of Enlightenment.

The South African case is unique and should be considered on its own (de-) merits. Certain scholars are of the opinion that the country's public service is still in a transitional phase following the pre-1994 apartheid governance system. Despite this argument, suffice it to say that the public service is not exempt from capacity building efforts. The uniqueness of the South African case is that before capacity could be discussed, the notion of 'redress' took up a major amount of the government's attention. In this light, this article views capacity as a product of competence obtained through training. High-quality training and development are necessary to ensure that the public service makes progress in an orderly fashion (Franks 2015). The South African government understood the concept of capacity fairly well during the early years of democracy. Early glimpses of the need for public service training in the new democratic South Africa were evident in the Reconstruction and Development Programme (RDP), where it was stated that recruitment and training should reflect the country's demographics (African National Congress (ANC) 1994:127). Having said that, public service training in South Africa is characterised by unique needs and skills gaps. During the first years of democracy, many skilled public servants retired or resigned and were given voluntary severance packages (VSPs). Through the narrative of redress, merit was no longer the cornerstone of deployments (Kanyane 2012).

Franks (2015) points out that the VSPs robbed the public service of highly experienced personnel, while the notion of 'potential' was a favoured loophole for comrades to find preference over more competent public servants. More than a decade after democracy, the then Minister of Public Service and Administration, Geraldine Fraser-Moleketi, acknowledged that cadre deployment based on party loyalty had come with some unintended consequences (Fraser-Moleketi 2006). Prior to this acknowledgement, particular challenges surrounding the government's transformation agenda were identified, including the need for management development in the public service. The dawn of the new millennium saw the introduction of the Senior Management Service (SMS). A handbook was compiled to support the development of senior managers by promoting 10 core competencies (DPSA 2003). Owing to continued challenges that undermined the work and aspirations of the public service (particularly concerning public service corruption), an 11th competence was added in 2008, namely, *honesty and integrity*.

The above discussion of the South African case presents a trajectory of government's scattered efforts to address the notion of capacity building through competence-based training. In this article, competence is regarded as being evidence-based. The introductory sections of this article indicate a lack of both competence-based and purpose-directed training in the South African public

service. This has led to limited capacity to manage various governmental priorities, such as the management of ethics. In view of this, the article agrees with Stewart (2015:549) that capacity building should not be limited to training. For this reason, a discussion on the rationale for capacity is also necessary.

## **CONSIDERATIONS FOR ETHICS MANAGEMENT CAPACITY BUILDING**

First, the researcher concurs with Bourgon (2010:198) in asking the following fundamental questions relating to capacity building:

- What capabilities (old and new) have to be built or developed?
- What competencies are required to address unpredictable macroeconomic, political and social environments?

From the above two questions, this article poses a set of more nuanced questions applicable to ethics management in the South African public interface, including but certainly not limited to the following:

- What are the government's existing capabilities to detect, prevent and combat unethical practices?
- What role can society play in government's efforts to manage ethics?
- Can capacity really be built around normative concepts like ethics and morality?
- Will the capable state that is aspired to in the NDP coexist with a seemingly growing culture of unethical practices?

The latter four questions are used to support this article's attempt to address the leading research question, which relates to how the South African public service can build capacity in the management of ethics. These four questions ought to be analysed and thoroughly investigated to make a tangible difference in ethics management-related to capacity building.

### **What are the government's existing capabilities to combat unethical practices?**

The first question deals with the DPSA's mission statement to promote an ethical public service through programmes that can detect, prevent and combat corruption (DPSA 2019). The question focuses on existing capabilities that are available to achieve this mission. To stress the importance of this question, capacity or capability is referred to in this article as evidence-based competence that can be achieved through various methods, including training. In analysing this question,



the mere existence of ethics-related legislation is not seen as a competence. Rather, the article argues that competence can only be achieved if such legislation is successfully translated into satisfactory evidence of managing ethics.

Currently, corruption in the public service is combatted via a chain of role players, such as the South African Police Service (SAPS), the Special Investigating Unit (SIU), the Independent Police Investigative Directorate (IPID) and the NPA. Moreover, the Offices of the Public Service Commission (PSC) Public Protector (PP) frequently investigate and report on allegations of unethical practices throughout the public service. Budhram and Geldenhuys (2018) state that, despite this chain of role players that battle corruption in South Africa, the success rate is unsatisfactory compared to the increasing rate of corruption. This confirms the concern relating to existing competence-based capabilities within government to prevent, detect and root out corruption. In line with this, scholars like Manyaka and Sebola (2013:76) and Theletsane (2014) have pointed out that South Africa's many anti-corruption measures have failed to curtail the problem. The legislative measures will be discussed in a later section as part of the existing would-be deterrents relating to unethical practices.

### **What role can society play in government's effort to manage ethics?**

The second question is centred on collective capacity to achieve public results. Earlier in this article, reference was made to the social contract that determines the relationship between the government and a country's citizens as far as reciprocal rights are concerned. In South Africa, an example of such a contract is the *Constitution of the Republic of South Africa, 1996*. The importance of the social contract lies in the provision that both the government and the citizens of a country enjoy certain rights and responsibilities. As such, a country's citizens cannot expect the government to act alone to address complex issues, as success depends on the large-scale participation of, and contributions from, citizens and their communities (Klijn 2008).

A society is directly involved in a government's ability to fully implement its ethics strategies – particularly because ordinary citizens conduct business with the government, which creates numerous opportunities for corruption. Weaver (2001:6) states that ethics management could be potentially influenced by historical, cultural and organisational factors. This highlights society's potential role in combatting unethical practices within the public service. For example, instead of being fined, many South African motorists resort to paying bribes to side-step their traffic offences. In this regard, the Road Traffic Management Corporation states that: "We see the devastating impact of corruption daily on our roads. South Africa has unacceptably high levels of road fatalities and corruption is one

of the contributing factors to this carnage” (Seleka 2020). Although this is a limited illustration of the bigger picture, it represents a social norm that undermines the ethical fabric of society. The Democracy Works Foundation (2017) reiterates that South Africa is at a tipping point, where corruption is accepted as a social norm. Citizens tend to give civil servants like traffic officers, administrative clerks, and police the opportunity to succumb to unethical practices. This trend is also seen within the higher structures of most public and private institutions.

### **Can capacity be built around concepts such as ethics and morality?**

Here, a more delicate scenario presents itself since the question is concerned with whether competence is possible when personal human values are at play. Clapper (1999:138) asserts that individuals’ personal value systems play a fundamental role in effective public service ethics. This article does not provide a definitive view on this question. Rather, it advocates the need for thorough analysis of all four questions. However, the third question may be one of the leading reasons why the South African public service has struggled with ethics management. It appears that there is a tendency to believe that those who have been trained in ethics are/should be incapable of engaging in gross unethical practices. This perception is both a fallacy and a farce. Furthermore, this perception fails to take into account that all legislation must be executed by human beings, who, in themselves, are corruptible and serve as either corruptors or corruptees in the equation of public service ethics. Without entertaining the philosophical complexities on the concepts of ethics and morality, this third question seeks to determine whether the existence of a certain standard of ethical behaviour and acceptable personal morals can amount to capacity.

For perspective, Korsgaard (2010) regards morality as our normative self-governance ability. That is, the ability to assess potential avenues where we can reflect on the nature of our actions and beliefs. This already constitutes a complexity in terms of ascribing competence to such a scenario, due to the normative nature of these concepts. As mentioned earlier, capacity should have attributes of evidence-based competence. Therefore, doing the right (*or wrong*) thing, on the basis of personal values and beliefs, ought not to be regarded as (*a lack of*) competence.

### **Can the NDP’s aspirations coexist with unethical practices?**

Lastly, the fourth question focuses on the co-existence of the NDP’s aspirations, on the one hand, and the growing trend of unethical practices in South African public life, on the other. Annually, the Offices of the Auditor General of South

Africa (AGSA) and the PSC report on various cases of maladministration, irregular and fruitless expenditure, public service corruption and unethical practices. In the Auditor-General's 2017–2018 audit outcomes for local government performance, only 18 out of 257 municipalities received clean audits, with irregular expenditure amounting to R21.2 billion – an “improvement” from the previous R27.7 billion of 2016–2017 (AGSA 2019). On the provincial and national fronts, a number of commissions of inquiry have investigated large-scale unethical practices, most notably the Judicial Commission of Inquiry into Allegations of State Capture, the South African Revenue Service (SARS) Commission, the PIC Commission and the NPA Commission (De Villiers 2018). These commissions investigated or, are still investigating, various cases of corruption (some spanning 15 years) involving public servants and business executives. Given the seemingly continuing scourge of corruption across all levels of government, the fourth question is highly relevant. Is a capable state possible in these corruption-laden times in South Africa?

## **ETHICS MANAGEMENT CAPACITY BUILDING IN SOUTH AFRICA**

Bourgon (2010:205) observes that compliance is the hallmark of a good government. However, this statement discounts the effect that other concepts such as integrity, transparency and accountability could have on an effective public service. As Clapper (1999), Rossouw (2008) and Webb (2012) have shown, some emphasis has to be placed on individual morals and personal values that can be integrated with public service values. The authors believe that this can help supplement the public sector's heavy reliance on compliance.

This article acknowledges that various other factors contribute to South Africa's problems, such as unemployment, political fragility, economic inequalities, crime and misdirected education. However, amid all these problems, the article places a high premium on the continuously thriving corruption and increasing unethical practices that disturb the country's developmental agenda. The debate on unethical practices in the public service appears to be ever present. As such, ethics management should be understood within the prescriptions of a capacity building framework. Rossouw and Van Vuuren's (2013:57–70) institutional (corporate) management model provides a descriptive presentation of different modes or strategies with which ethics can be managed. In this model, the following five modes of managing morality are included:

- **Immoral mode:** This mode describes a situation where unethical conduct is perceived as good for business and advocates that ethics be relegated in institutional practices. There is no evidence of any initiatives to manage ethics.

- **Reactive mode:** A situation where minor appreciation of ethics interventions exists. However, there are no practical remedies to deter unethical behaviour. There is no will to manage ethics.
- **Compliance mode:** There is evidence of attempts to manage and monitor rule-based approaches to ethics. Moreover, punitive measures for unethical behaviour are documented. In this mode, there is a transactional approach to managing ethics.
- **Integrity mode:** Ethical values and standards have been internalised, enabling a values-based approach to ethics. This mode is proactive and transformational, and ethics is seen as a key success factor.
- **Totally aligned organisation (TAO) mode:** In this mode, ethics is easily integrated into organisational strategy, where moral responsibility is the basis of interaction and a strong ethical culture is present. The ethics functions are operational and ethics champions are recognised (adapted from Rossouw and Van Vuuren 2013:58).

The Modes of Managing Morality Model by Rossouw and Van Vuuren (2013) indicates the possibility of managing ethics beyond the compliance mode, which is where this article places the South African public service ethics management reality. While Bourgon's opinion that compliance is the hallmark of good governance offers some truth, compliance undermines personal moral autonomy and responsibility (Rossouw and Van Vuuren 2013:58). In the context of this five-mode model of ethics management, a supplementary question to the fundamental questions asked in an earlier section could be: Which mode best describes the South African case for ethics management?

The alarming rate at which constitutional watchdog bodies investigate and report on unethical conduct in South Africa points towards an existing theatrical display of public service corruption. In addition, the billions of Rands that are lost to corruption and other unethical practices highlight the need to diagnose this ethics impasse as chronic. One cannot dismiss the complex challenges that democratic South Africa has inherited and the countless initiatives that have been introduced since 1994 to address ethics management. However, the country's ethics management narrative remains fraught with challenges, especially given the lack of leadership within the country's political and administrative arenas.

Based on the Modes of Managing Morality Model by Rossouw and Van Vuuren (2013), the compliance mode seems the best fit for the South African scenario (As the public service tends to be heavily reactive, elements of the reactive mode are still prevalent). It is important to constantly strive towards building capacity, as this could help facilitate a TAO where public servants can easily integrate their personal values with the organisational values of the public service. Such an integration will enable a solid organisational capacity to manage ethics

and, in the process, create the capacity to detect and combat unethical conduct, as envisioned by the DPSA.

## **BUILDING AND DEVELOPING ETHICS MANAGEMENT CAPACITY**

Vincent and Stephen (2015:3) emphasise that various developing nations' capacity building initiatives have failed due to the lack of comprehensive capacity development strategies. The situation is no different in South Africa. The existence of strategies is a solid foundation to help formulate pathways and methods to build competence. Strategies need to become more comprehensive through non-legislative initiatives, such as on-the-job development, reflection on institutional leadership and its impact on performance, and advocacy for a learning organisation (government) that is equipped to address complex challenges. Furthermore, as Bourgon (2010:198) rightly asks: Which capabilities must be built or developed?

The South African public service follows a highly compliance-based approach (including the usage and interpretation of ethics-related legislation) to execute its functions (Rossouw 2008; Webb 2012). As such, there is limited opportunity for public officials to exercise discretion where legislative grey areas appear. Moreover, it supports a shift towards a more value-based approach as a supplement to the compliance approach (Webb 2012).

The challenge with any values-based approach in a highly compliance laden environment, as this article argues, is that values are not a competence. As such, they present an extremely complex case for competence-based capacity building. In order to build capacity and strengthen ethics management, the following is prescribed:

- Context-specific **consequence management** strategies need to be developed. In a highly compliance-based environment, it should be simple to detect and prevent unethical practices. However, this is not the case within South Africa's public service. Annually, constitutional watchdog bodies investigate and report on a variety of corruption cases. Yet public sector executives and political authorities have shown little to no widespread evidence of effective consequence management.
- **Stronger, sustainable relationships** need to be developed in cooperation with other sectors like the private sector to help shape a more holistic and transparent anti-corruption management system in government.
- **A central ethics office for government employees**, which is independent of political influence, must be established. The function of ethics management should not be limited to the risk and human resources departments that have other fundamental tasks to perform. This office could focus on ethics-specific



training for certain public servants, who will ultimately serve as department-specific ethics officers across the public service.

- **The ethics culture** must be strengthened within various government institutions by amalgamating strategies, including individual, organisational culture and leadership commitment (Okumus 2003; Webb 2012).

Ultimately, a strengthened ethics culture, stronger relationships with other sectors, the establishment of a central ethics office, and the development of effective management strategies could improve the government's management capacity.

## APPROACHES TO CAPACITY BUILDING IN ETHICS MANAGEMENT

An earlier section of this article mentions scholars who have commented on the existence of a multiplicity of ethics-related interventions in the public service. However, over the years, it has proven problematic to implement. The current article's literature review revealed various definitions for the term 'implementation'. However, the following definition by Eccles (1994) has proven to be most applicable: "Implementation is action, not planning to act; nor thinking about acting; nor clearing up the desk to act; nor persuading others to back your plan; nor even deciding what action should occur. It is the action itself, whatever it is and however it is occurring" (Eccles 1994:63).

The rationale behind defining implementation is that it should imply action. Similarly, the following approaches will require an ardent attempt by government authorities if implementation is to take place:

- **Fostering a dynamic public service:** The public service should be able to adapt to the changing society on a political, social and economic front. Thus, all public servants should reconfigure their personal values towards rejecting any potential resistance to change. A dynamic public service could enable a seamless transition from a compliance-based approach to ethics management towards value-based ethics practices.
- **Providing competence-based ethics training:** Ethics training should not be limited to creating awareness of existing ethics initiatives. There should be a move towards evidence-based competence that focuses on avoiding, detecting and combating unethical practices in the public service. Ethics training must coincide with tangible evidence of competence, such as professional certifications with rigorous testing on ethics capacities and knowledge.
- **Providing steward-based legislative training:** Training employees on legislation should also not be limited to compliance. Instead, it should take a reflexive position where trainees/employees are made aware that all public

service-related legislation affects them in their professional activities and that they have to acknowledge their stewardship and accountability to the public.

- **Ensuring visible consequence management:** The annual investigation and reporting of unethical conduct should not end at the reporting stage. In fact, such reporting should lead to the establishment of solid deterring initiatives aimed at offenders. The lack of consequence management on both the political and administrative front tends to diminish citizens' confidence in the government.

## CONCLUSION

The current research clearly highlights that it is no easy feat to build state capacity. In fact, it is a hugely complex exercise. Over the years, the case for building ethics management-related state capacity has gained traction. The various ethics-based strategies and initiatives highlight the state's attempts to achieve an ethical organisation (public service). The South African government has a wealth of legislative measures to combat corruption, namely the:

- *Constitution of the Republic of South Africa* (1996);
- Public Service Act 103 of 1994;
- Public Service Regulations (2001); and the
- Public Finance Management Act 1 of 1999.

In addition to these key measures, other government initiatives include the:

- Prevention and Combating of Corrupt Activities Act 12 of 2004;
- Protected Disclosures Act 26 of 2000;
- Promotion of Access to Information Act 2 of 2000;
- Public Sector Integrity Management Framework (2013);
- Minimum Anti-corruption Capacity Requirements (2006);
- National Anti-corruption Forum (2001);
- National Anti-corruption Hotline; and the
- Ministerial Handbook.

The scope of this article presented limited space to review the soundness of the various legislative measures to combat corruption in South Africa. However, as Manyaka and Sebola (2013:76) and Theletsane (2014) have indicated, there seems to be a disregard for these measures, since the repercussions of unethical practices in the public service continue to increase annually. The solidity of these legislative measures underlines the need for a thorough investigation of questions presented in this article. Having said that, a discussion on the rationale for capacity building is of equal importance, seeing that the country's legislative measures have not produced the right ethical climate within the public service.

After highlighting various gaps in government's capacity to manage ethics, a handful of recommendations were presented as a more effective and sustainable method of building and strengthening capacity. The article suggests that the ideal government is one that achieves TAO status of the ethics management model. The TAO phase of organisational ethics presented in this article can be likened to the public service that the DPSA and the NDP envisions for South Africa. To reach this phase, considerable reflection is necessary while a systemic programme is developed to address the requisite skills and knowledge that will form the building blocks towards capacity building in ethics management.

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